

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARL MCCLAIN,

Plaintiff,

vs.

MENARD, INC., d/b/a MENARDS,

Defendant and Third-Party Plaintiff,

vs.

TAG EXPRESS, INC.,

Third-Party Defendant.

8:21CV268

ORDER

This matter is before the Court on Defendant and Third-Party Plaintiff, Menard, Inc. d/b/a Menards' Motion for Default Judgment. (Filing No. 28). The Court, being fully advised in the premises, finds that the Motion should be granted.

IT IS HEREBY ORDERED:

1. Defendant and Third-Party Plaintiff, Menard, Inc. d/b/a Menards' Motion for Default Judgment, Filing No. 28, is granted as to liability on Counts I & II of its Third-Party Complaint against Third-Party Defendant TAG Express, Inc.; and

2. Defendant and Third-Party Plaintiff, Menard, Inc. d/b/a Menards is granted leave to file a supplementary motion to request an evidentiary hearing on damages, to determine the amount of attorney's fees and costs incurred to defend against Plaintiff Carl McClain's claims and any sums paid to Plaintiff for Judgment or settlement for the above-

captioned matter for which Third-Party Defendant TAG Express, Inc., after a final judgment is entered on Plaintiff Carl McClain's claims.

Dated this 21st day of December, 2021.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge